

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION**

**LES CHRISTOPHER BURNS**

**v.**

**CHRISTOPHER COOK, ET AL.**

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**Case No.:** 6:18-CV-00073

**DEFENDANT ASHLEY NEESE’S MOTION TO STRIKE BURNS’ UNTIMELY  
MEMORANDUM IN OPPOSITION TO MOTION TO DISMISS**

COMES NOW, Defendant, Ashley Neese (“Neese”), by and through undersigned counsel, and respectfully moves this Court to strike Les Christopher Burns’ (“Plaintiff”) untimely Memorandum in Opposition to Neese’s Motion to Dismiss (“Memorandum”). In support of this motion, undersigned counsel has filed an accompanying Memorandum in Support of this filing showing that Plaintiff’s Memorandum fails to comply with this Court’s Local Rules, as implemented in August 2013 and still in effect today, and Plaintiff has failed to show a good faith basis for his untimely filing, or any good cause or excusable neglect for his untimely filing.

Respectfully submitted,

/s/ David G. Barger

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CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of December, 2018, I electronically filed Defendant Neese's Motion to Strike with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ David G. Barger

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